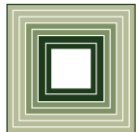


Joint Legislative Oversight Committee on Justice and Public Safety

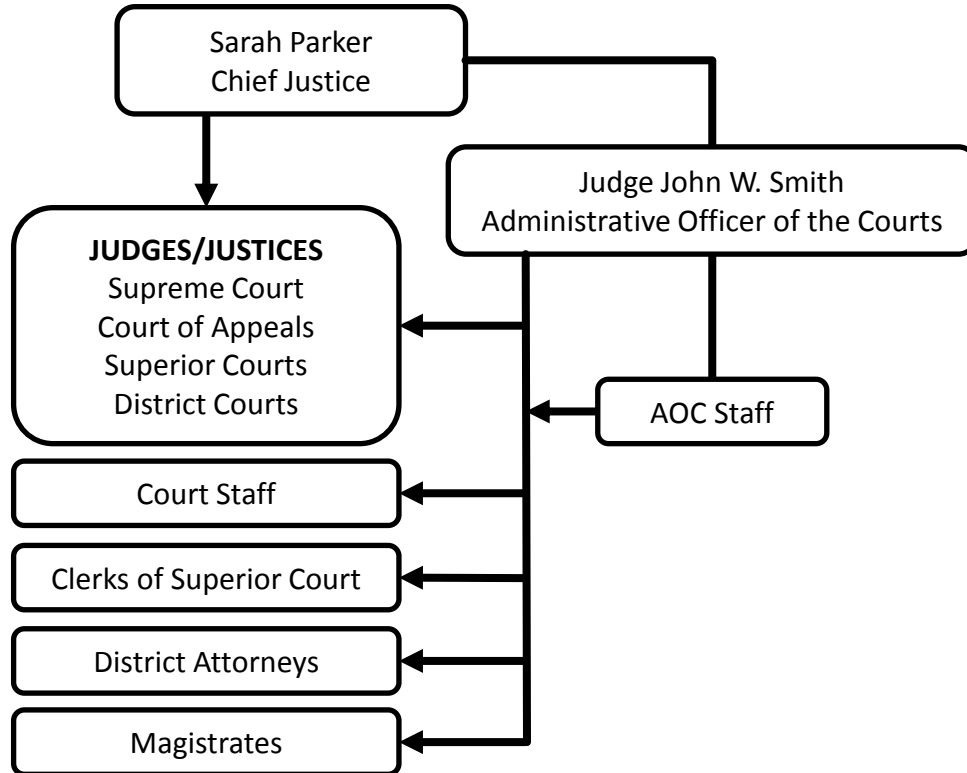
Office of Indigent Defense Services

William Childs
Fiscal Research Division



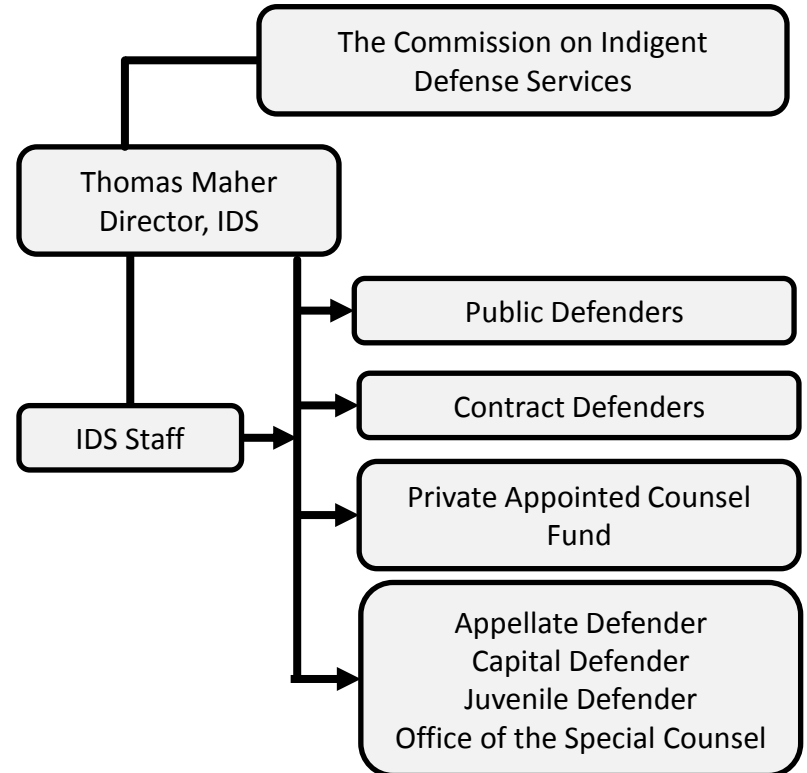
The North Carolina Judicial Branch

Administrative Office of the Courts



Total GF 2013-14 Budget: \$458 million
Total GF FTE: 5,831

Office of Indigent Defense Services



Total GF 2013-14 Budget: \$128 million
Total GF FTE: 508

U.S. Constitution

Sixth Amendment:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Fourteenth Amendment:

§ 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

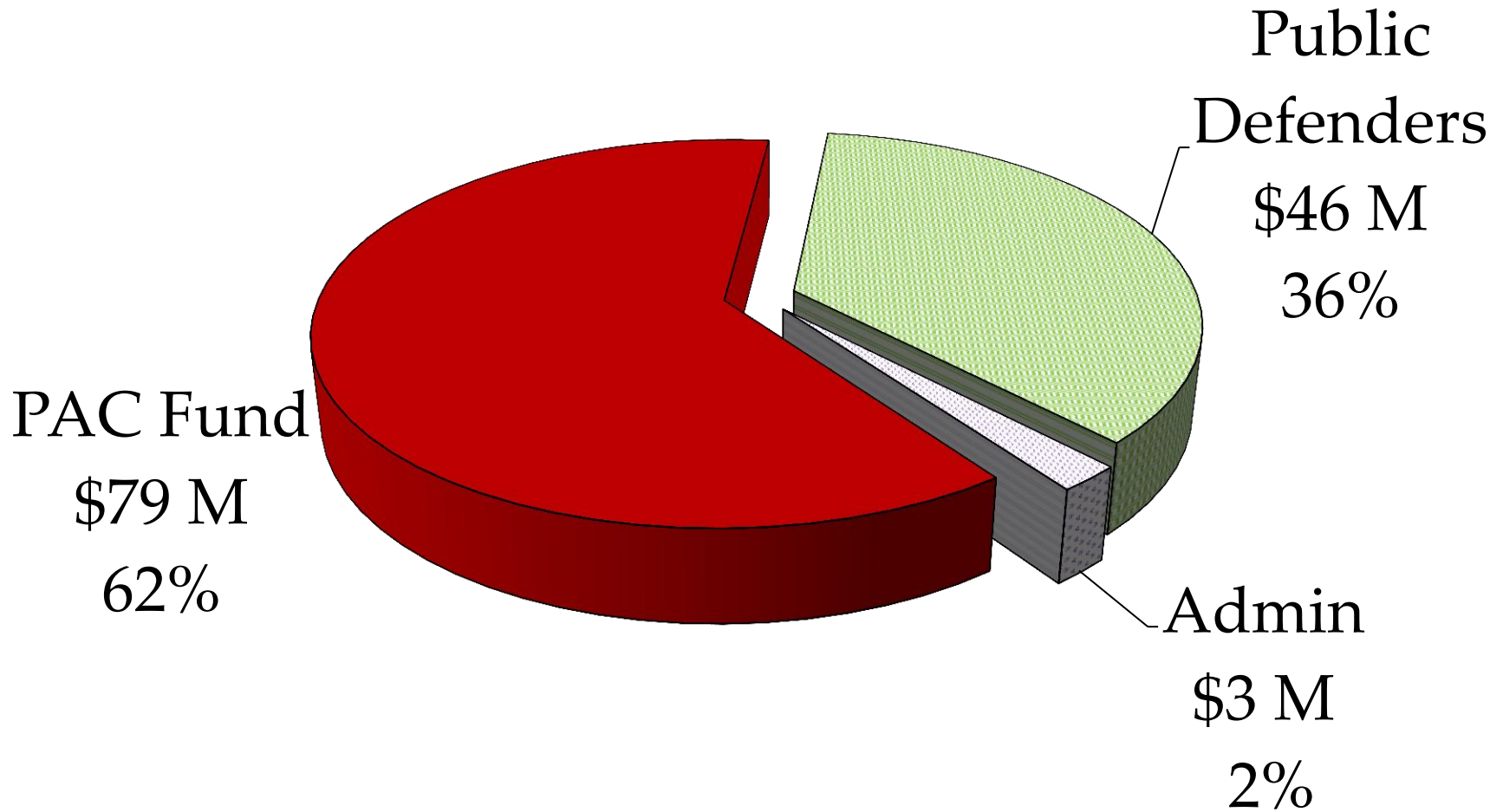
Indigent Defense Services Act (2000)

- Article 39B of General Statutes
 - NCGA concerned about AOC oversight of Private Appointed Counsel Contract
 - IDS began operations in July 2001
 - Mission: Oversee the provision of legal representation to indigent defendants and others entitled to counsel under North Carolina law
- Separate agency in the Judicial Branch from AOC
- AOC remains responsible for some IDS functions: Purchasing, Personnel, and IT

Legal Counsel For Indigent Persons

- State Public Defender Offices (PD)
 - In 16 of 42 District Court districts
 - May overlap in Superior Court districts
 - Includes Regional and Statewide Specialty Defenders
- Private Appointed Counsel (PAC)
 - Court-appointed private attorneys
 - Provides all indigent defense in areas without PDs
 - Assigned in counties or districts with PDs when PD cannot take a case
- Contract Defenders
 - Contracted private attorneys taking bulk PAC cases at pre-established rate

IDS Certified Budget FY 2013-14, Total: \$128 M

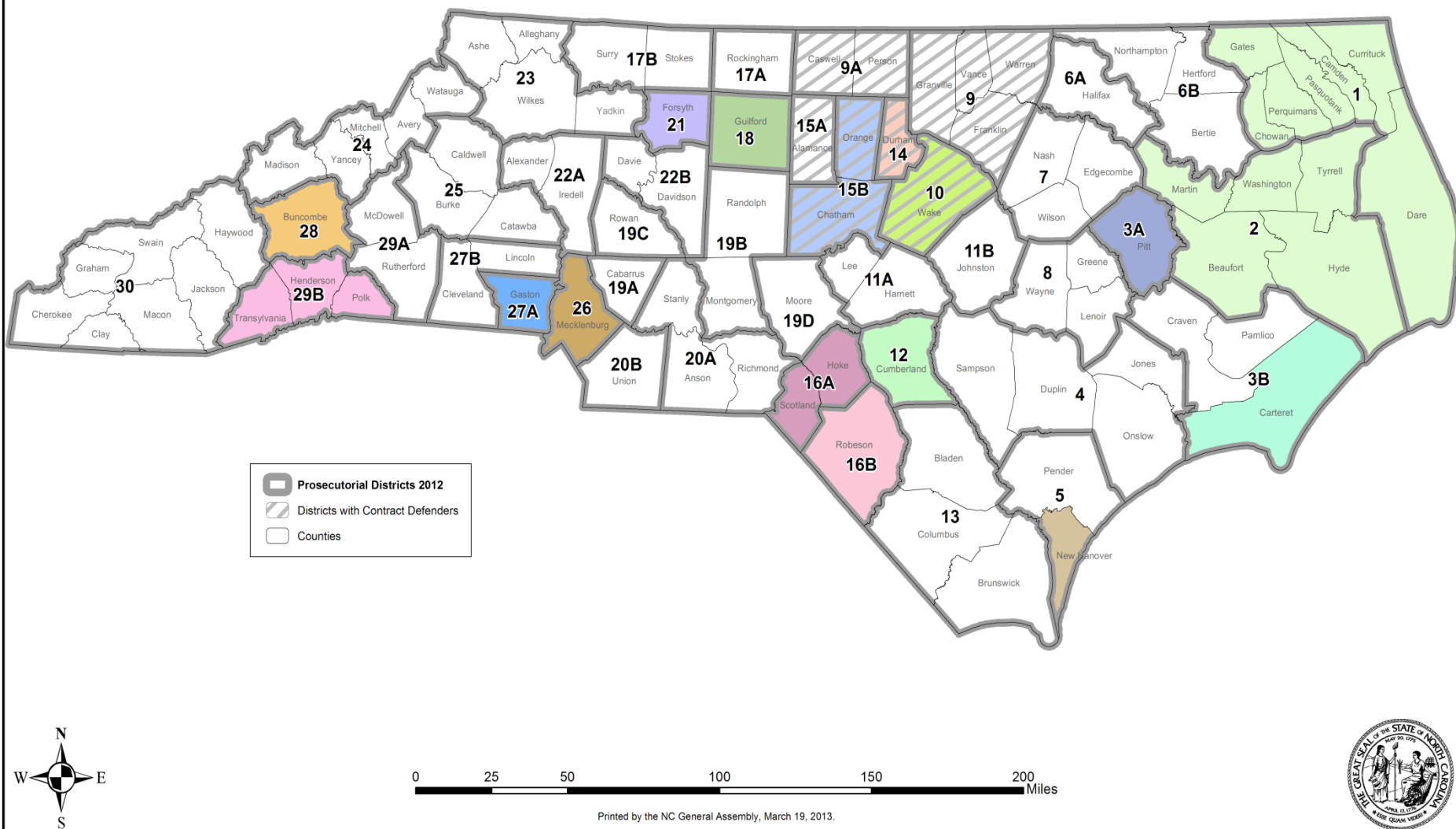


Source: OSBM, September 6, 2013 Certified Budget

Public Defender Services

- 16 Public Defender Offices
- Five Specialty Defender Offices:
 - Office of the Juvenile Defender
 - Office of the Appellate Defender
 - Office of Parent Representation
 - Office of the Capital Defender
 - Regional Offices: Durham, Forsyth, Buncombe, New Hanover
 - Office of the Special Counsel (Mental Health)
 - Regional Offices: Broughton Hospital (Burke), Cherry Hospital (Wayne), both Central Regional Hospitals in Raleigh (Wake), and Butner (Granville)

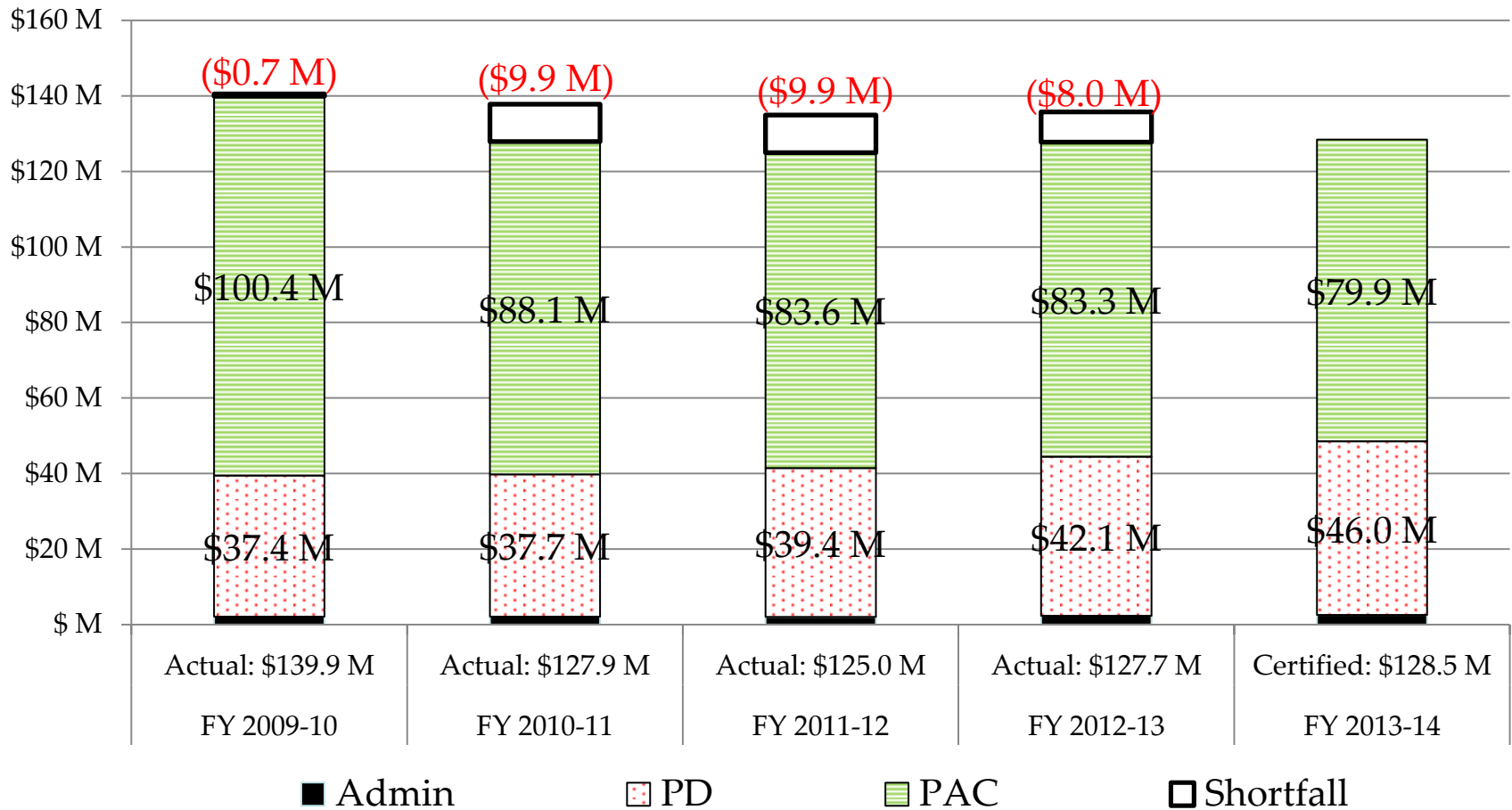
Prosecutorial Districts with Public Defender Offices and Contract Defenders



Private Appointed Counsel Fund

- Compensates private attorneys appointed to provide defense for indigent defendants when no public defender available
- In FY 2013-14, 62% of IDS budget
- Shortfall:
 - Projected FY 2013-14: \$6 M
 - FY 2012-13 shortfall: \$8 M
 - FY 2011-12 and FY 2010-11: \$9.9 M in each

IDS Budget, FY 2009-10 to FY 2013-14



Source: NCAS, December 11, 2013

2011 Session

- Reduce PAC Funds: (\$7.9 million)
- Eliminated Sentencing Services: (\$2.1 million)

TOTAL: (\$10.0 million)

Special Provisions:

- Directed to issue a request for proposals (RFP) for bundled PAC cases (Contract Defenders)
- Expansion Provision:
 - Out of \$2.1 M in funds appropriated, IDS could:
 - Create up to 50 new attorney FTE
 - Create up to 25 new support FTE

2012 Session

- **No legislative actions**
- Reason:
 - IDS Shortfall of \$9.9 million
 - Allow time for previous legislative actions to result in savings

2013 Session

- Reduce Prisoner Legal Services: (\$0.9 million)
- Low-level misdemeanor reclassification: (\$2.0 million)
- Admin staff reduction: (\$258,634)

TOTAL: (\$3.1 million)

Additional PAC Funds: \$3.8 million NR

Special Provisions:

- Senior Resident Superior Court Judge to appoint PDs rather than IDS Commission
- Conflict of Interest Report

Current Operations and Capital Improvements Appropriations Act of 2013, Senate Bill 402, Session Law 2013-360

RESOLVING CONFLICTS OF INTEREST IN PUBLIC DEFENDER OFFICES

SECTION 18A.6.(a) G.S. 7A-498.7 is amended by adding a new subsection to read:

"(f1) In cases in which a public defender determines that a conflict of interest exists in the office, whenever practical, rather than obtaining private assigned counsel to resolve the conflict, the public defender may request the appointment of an assistant public defender from another office of public defender in the region to resolve the conflict."

SECTION 18A.6.(b) The Office of Indigent Defense Services shall report to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by October 1, 2013, and by October 1 of each year thereafter, on (i) the number of conflicts of interest that arose in public defender offices during the prior fiscal year and the cost to the State in private assigned counsel funds to resolve them and (ii) beginning with the October 1, 2014, report, the number of conflicts of interest resolved through the authorization in G.S. 7A-498.7(f1) during the prior fiscal year and the savings to the State in private assigned counsel funds as a result.

